S.B. CIVIL MISC. APPEAL NO. 1124/2006
(Smt. Para Devi & ors. Vs. Jethanand & ors.)

DATED : 03.10.2006

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr.R.K. Mehta for the appellants

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Having heard learned counsel for the claimant-appellants and having perused the impugned award, this Court is satisfied that the award made by the Tribunal in the sum of Rs.67,000/- in favour of the appellants for compensation under Section 163A of the Motor Vehicles Act due to accidental death of Prabhuram (65 years) does not suffer from any infirmity and calls for no interference.

The claimants-appellants, wife and children of Prabhuram, claimed compensation under Section 163A of the Motor Vehicles Act on account of his accidental death on being hit by a bus bearing registration No. RJ 16 P 0457 stating his age at 65 years, his being a retired railway employee getting pension of Rs. 3,000/- per month and earning further Rs. 1,500/- per month on being employed at a cycle-stand. The Tribunal, while quantifying compensation has observed that no cogent evidence was produced in relation to the assertion of income of the deceased; and nothing was stated about family pension after his demise. However, the

Tribunal took the income of the deceased at Rs. 1,500/- per month and deducting one-third on his personal expenditure and applying a multiplier of 5 assessed pecuniary loss at Rs. 60,000/-. The Tribunal further allowed Rs. 5,000/- to the wife of the deceased towards loss of consortium and Rs. 2,000/- towards funeral expenses to award total compensation in the sum of Rs. 67,000/- and also allowed interest at the rate of 9% per annum from the date of filing of claim application.

The appellants have taken a ground in the present appeal that the amount of pension was reduced by Rs. 1,500/- and the Tribunal has not considered this component of loss for the claimants. The submission is hollow and baseless as relevant documentary evidence in that regard has not been produced on record. Even otherwise the Tribunal has liberally accepted the income of the deceased at Rs. 1,500/- per month and with reference to the Second Schedule to the Act has applied multiplier of 5 and added other losses to award compensation in the sum of Rs. 67,000/- that cannot be said to be low or inadequate. There is no scope for enhancement.

The appeal fails and is, therefore, dismissed summarily.

(DINESH MAHESHWARI),J.

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